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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Amon et al.) Group Art Unit: Unknown
Serial No.: 10/001,761)
Filed: October 31, 2001) Examiner: Unknown
For: Apparatus And Method For Providing)
A Provider-Selected Message In)
Response To A User Request For)
User-Selected Information)

FAX RECEIVED

FEB 10 2003

SUPPLEMENTAL PETITION TO THE COMMISSIONER

PETITIONS OFFICE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

There is currently a petition pending in the above-referenced matter under 37 CFR §1.182, or in the alternative §1.183. Applicant hereby requests that the presently-pending petition be modified such that if it is denied, it be treated as a Petition under 37 CFR §1.137(a), or in the alternative, 37 CFR §1.137(b).

In any case, the Commissioner is authorized to charge all fees required under 37 CFR §1.137 based on this communication, to **Deposit Account 50-1105** of Applicants' undersigned representative. If the Commissioner grants the Petition pursuant to 37 CFR §1.137(a), Applicant believes the amount due is \$55.00. If the Commissioner grants the Petition pursuant to 37 CFR §1.137(b), Applicant believes the amount due is \$650.00.

37 CFR §1.137(a) – Unavoidable Delay

In accordance with 37 CFR §1.137, Applicants submit that the delay in responding to the PTO's Notice To File Corrected Application Papers was unavoidable, as defined in 37 CFR §1.137(a), for the reasons set forth in the Declaration of Neal M. Cohen submitted with the currently-pending petition. In summary, as stated in paragraph 18 of the declaration, Applicants' attorney attempted to diligently prosecute the application at all times, and despite such diligent efforts, was unaware until August 30, 2002, that a Notice To File Corrected Application Papers had been mailed.

All other requirements of Rule 1.137(a) having been satisfied, Applicants respectfully request the Petition be granted pursuant to 37 CFR §1.137(a).

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55.00 CH
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37 CFR §1.137(b) – Unintentional Delay

If the petition under Rule 1.137(a) is not granted, then Applicants also hereby submit this Petition under 37 CFR §1.137(b). In accordance with 37 CFR §1.137, Applicants submit that the delay in responding to the PTO's Notice To File Corrected Application Papers was unintentional, as defined in 37 CFR §1.137(b), for the reasons set forth in the Declaration of Neal M. Cohen submitted with the currently-pending petition. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

All other requirements of Rule 1.137(b) having been satisfied, Applicants respectfully request the Petition be granted pursuant to 37 CFR §1.137(b).

Respectfully submitted,



February 10, 2003

Dated

Neal M. Cohen
Reg. No. 41,683